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WRITER'S DIRECT DIAL 517-706-5795

January 11, 2005

Ms. Debra Keefe
U.S. District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

05 MBD 10026

RE: Tri-State Hospital Supply Corp. v. TWP Marketing, Inc.
Case No. 03-CV-71247
Request and Order to Seize Property

Dear Ms. Keefe:

As I mentioned in our recent telephone conversation, this firm represents Tri-State Hospital Supply Corporation ("Tri-State"). Enclosed is a Request and Order to Seize Property issued by the United States District Court for the Eastern District of Michigan ("Order"). Also enclosed is a check in the amount of \$39 for processing the Order. You indicated that you would handle the assignment of this matter to the appropriate judge.


On May 4, 2004, Tri-State obtained a Judgment against TWP Marketing, Inc. ("TWP Marketing") based on patent infringement and related damages. Massachusetts federal courts are permitted to enforce this Judgment. See American Freight System, Inc., 173 BR 739 (Bankr D Kan 1994).

TWP Marketing is currently leasing property at 159 Rangeway Road, North Billerica, MA 01862. It is holding a number of business assets at this property (which is owned by Spir-it, Inc.). One of these assets is a mold used to produce metal rings in the construction of vomit bags. We ask that you execute the Order in order to recover this mold as well as any other assets of value.

Ms. Debra Keefe
January 11, 2005
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Please feel free to contact me (517-706-5795) if you have any comments or questions. Thanks for your help with this matter.

Very truly yours,
FOSTER ZACK & LOWE, P.C.


Scott A. Breen

Enclosures

Cc: Mike Obsitnik

REQUEST AND ORDER TO SEIZE PROPERTY

Case No. 05-CV-71347

Plaintiff: *[Signature]*
Defendant: *[Signature]*

Address: 1000 W. Liberty St., Detroit, MI 48226

City: Detroit, State: MI, Zip: 48226

Telephone: (313) 234-3000

Requesting Party: *[Signature]*
Address: 1000 W. Liberty St., Detroit, MI 48226
City: Detroit, State: MI, Zip: 48226
Telephone: (313) 234-3000

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date: 1/14/2004

Field Attorney Signature: *[Signature]*

Leasing: ☐ Address: ☐ City: ☐ State: ☐ Zip: ☐ Telephone: ☐

ORDER

TO ANY SHERIFF, DEPUTY SHERIFF, OR COURT OFFICER - YOU ARE ORDERED TO:

1. Seize and sell, according to law, any of the personal property (as determined by the officer) of defendant(s) named above in the Request and Verification that is not exempt from seizure, as will be sufficient to satisfy plaintiff's demand, costs, and any statutory fees and expenses. Personal property may include tools to produce plaintiff's bag components.
2. If sufficient personal property of defendant(s) cannot be found within your jurisdiction, seize and sell any of the real property of defendant(s) not exempt from seizure, as will be sufficient to satisfy plaintiff's demand, costs, and any statutory fees and expenses.
3. Collect from the sale of the property enough money to pay all of your statutory fees and all other expenses.
4. Deposit proceeds of sale with the court clerk and filing plaintiff's fees and statutory expenses.
5. Return all items seized. Seize the property determined by the attached instrument for seizure.
6. You must endorse the month, day, year, and hour that you receive this order, and that time is the effective date of this order. You must execute and return this order not later than 30 days, nor more than 60 days, from the effective date. If you have begun to serve this order on or before the return date, you may complete the service and return after the return date.
7. You may not continue collecting on this order after the return date except as indicated in item 6.

Date: 1/17/2004

Order to be served by: *[Signature]*

ENDORSEMENT: I certify that I received this order on _____ at _____

TO THE DEFENDANT: The person seizing property is required to provide you with a receipt of all money paid by you and an inventory of the property seized.

03-MC-10026

Approved, SCAO

Original - Court
1st copy - Officer
2nd copy - Defendant
3rd copy - PlaintiffUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGANREQUEST AND ORDER TO
SEIZE PROPERTY

CASE NO.

03-CV-71247

Court address

231 W. Lafayette, 5th Fl., Detroit, MI 48226

Court telephone no.

(313) 234-5000

Plaintiff name(s) and address(es)

TRI-STATE HOSPITAL SUPPLY CORPORATION

c/o Plaintiff's Attorney

Defendant name(s) and address(es)

TWP MARKETING, INCORPORATED

c/o Tom Prinner

7244 Deaconsbench Ct., Cincinnati, OH 45244

REQUEST AND VERIFICATION

1. On 05/04/2004 a judgment was granted in this case upon which the following is now due:

Amount of judgment \$ 782,626.41 Interest to this date \$ 7,444.60
 Total \$ 790,071.01 Less credits received \$ 126.89

Post judgment costs \$ 700.94
 Balance due to date \$ 790,944.12

*Additional statutory interest, officer/sheriff fees, and expenses may be charged in addition to the unpaid balance according to law.

2. The plaintiff requests the court issue an order to seize the property of the following defendant(s):

TWP Marketing, Inc.

Name Date of birth (if available)

Tom W. Prinner

Name Date of birth (if available)

I declare that the statements above are true to the best of my information, knowledge, and belief.

12/07/2004

Date

Plaintiff/Attorney signature

Bar no.

P.O. Box 27337

Lansing

MI

48909

(517) 706-5775

Address

City

State

Zip

Telephone no.

ORDER

TO ANY SHERIFF, DEPUTY SHERIFF, OR COURT OFFICER - YOU ARE ORDERED TO:

1. Seize and sell, according to law, any of the personal property (as determined by the officer) of defendant(s) named above in the Request and Verification that is not exempt from seizure, as will be sufficient to satisfy plaintiff's demand, costs, and any statutory fees and expenses. Personal property may include molds to produce vomit bag components.
2. If sufficient personal property of defendant(s) cannot be found within your jurisdiction, seize and sell any of the real property of defendant(s) not exempt from seizure, as will be sufficient to satisfy plaintiff's demand, costs, and any statutory fees and expenses.
3. Collect from the sale of the property enough money to pay all of your statutory fees and statutory expenses.
- ☐ 4. Deposit proceeds of sale with the court after deducting statutory fees and statutory expenses.
- ☐ 5. Claim and Delivery Only: Seize the property described in the attached judgment for claim and delivery and deliver to the plaintiff(s); or if the property is not found in the possession of the defendant(s), levy the value of it.
6. You must endorse the month, day, year, and hour that you receive this order, and that time is the effective date of this order. You must execute and return this order not less than 20 days, nor more than 90 days, from the effective date. If you have begun to serve this order on or before the return date, you may complete the service and return after the return date.
7. You may not continue collecting on this order after the return date except as indicated in Item 6.

Date

DEC 17 2004

Judge

Bar no.

Order to be served by:

Court officer/Deputy sheriff

ENDORSEMENT: I certify that I received this order on

Date

at

Time

Court officer/Deputy sheriff

TO THE DEFENDANT: The person seizing property is required to provide you with a receipt of all money paid by you and an inventory of the property seized.

MC 19 (6/04) REQUEST AND ORDER TO SEIZE PROPERTY

MCL 800.2920, MCL 800.6002, MCR 3.108

DEPUTY CLERK